

<b>CERTIFICATE OF TRANSMISSION BY FACSIMILE (37 CFR 1.8)</b>			Docket No. 1949
Applicant(s): DUCKECK, R.			
Serial No. 10/018,184	Filing Date 03/15/2002	Examiner GIBSON, E.	Group Art Unit 3661
Invention: NAVIGATION DEVICE AND METHOD FOR CONTROLLING...			<b>RECEIVED</b> <b>CENTRAL FAX CENTER</b> <b>FEB 10 2004</b>
<p>I hereby certify that this <u>RFR</u> (Identify type of correspondence) is being facsimile transmitted to the United States Patent and Trademark Office (Fax. No. <u>(703) 305 7687</u>) on <u>FEBRUARY 10, 2004</u> (Date)</p> <p><u>MICHAEL J. STRIKER</u> (Typed or Printed Name of Person Signing Certificate) <u>[Signature]</u> (Signature)</p> <p>Note: Each paper must have its own certificate of mailing.</p>			

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**UNITED STATES PATENT AND TRADEMARK OFFICE**

CRITICAL

Examiner: E. Gibson

Art Unit: 3661

In re:

Applicant: DUCKECK, R.

Serial No.: 10/018,184

Filed: March 15, 2002

**REQUEST FOR RECONSIDERATION**

February 10, 2004

Hon. Commissioner of  
Patents and Trademarks  
Washington, D.C. 20231

Sir:

This communication is responsive to the Office Action of  
December 10, 2003.

In the Office Action the Examiner rejected claims 10, 11 and 15 as being anticipated over the patent to Koizumi.

Claims 12-14 were also rejected as being unpatentable over the patent to Koizumi in view of the patent to Takanabe.

After carefully considering the Examiner's grounds for the rejection of the claims, applicant wishes to make the following remarks.

First of all it is respectfully submitted that the patent to Koizumi was applied in this action for the first time, and nevertheless the Examiner made the Office Action final. Thus, actually the applicant is now not allowed to amend the claims to distinguish the present invention from this reference, if necessary. It is therefore respectfully requested, in view of the fact that the patent to Koizumi is a newly cited reference, to withdraw the finality of the Office Action.

It is respectfully submitted that the present invention as defined in the claims clearly and patentably distinguishes from the prior art applied by the Examiner, including the patent to Koizumi. In order to support this

statement, applicant wishes to explain again the subject matter of the present invention.

The objective of the present invention is to provide the vehicle driver with an improved orientation during guiding him to a target. In accordance with the present invention as defined in claim 10 a route between the actual position and the next decision point is presented on the display with a maximum possible format filing. A decision point in the sense of the applicant's invention is a point on the calculated driving route, on which a driving instruction, for example a turning point, must be given to the vehicle driver. The improved orientation is obtained in that, with increasing approaching of the decision point, increasingly details are shown on the indicated map, for example all driving tracks of a street on which the vehicle drives, or eventually turning tracks, so that the vehicle driver can be oriented for a turning process for example preliminarily to a corresponding driving track. The improved orientation is further provided in that always both the actual vehicle position and also the next decision point and thereby the driving distance between these both points are shown on the display.

The patent to Koizumi also sets an objective of an improved orientation for the vehicle driver during driving to a target. However, this

objective is achieved with different means. A core problem in the patent to Koizumi is to represent decision points when they are located in the region of complex intersections or circular traffic.

In the detailed description in column 6, lines 23-46, and further in the parts indicated by the Examiner, in particular column 18, lines 8-16 and 36-43 it is specifically stated that during approaching of the vehicle under a predetermined threshold value to such an intersection, the total intersection must be represented on an enlarged scale. The representation scale is selected so as to provide a complete intersection situation on the display. In accordance with the patent to Koizumi this is especially important for complex intersections "or traffic circle" to provide an easy orientation for the driver. The zoomed representation is selected when the vehicle approached the intersection with a predetermined distance from it. In the further cited passage in particular column 25, lines 55-57 it is again indicated that the zoom intersection representation also illustrates the actual vehicle location and the decision point.

The display scale is selected. First of all, it is here provided that the vehicle location and the next decision point must always be seen

together on the display. In the patent to Koizumi this criterium is not always required.

Furthermore, the representation scale as defined in claim 10 is always adapted so that the route between the vehicle location and the next decision point is always represented on the display in a format-filling way. This is also not disclosed in the patent to Koizumi. In particular, the description in column 25, lines 55-57 in the patent to Koizumi can not interpret it in this way. Moreover, it is there clearly stated that when the intersection is represented in a format-filling manner, simultaneously also the vehicle position and the decision point are indicated.

A person skilled in the art with this teaching before him would not be able to arrive at the solution in which the scale of the representation always is adapted so that both points are shown on the display simultaneously. The way of solving the problem is here obviously completely different.

Finally, in contrast to the patent to Koizumi the method defined in claim 10 does not deal with a complete next intersection situation, but instead always shows the next decision point and the vehicle location. It is

believed to be completely clear that the situation described in the example disclosed in the patent to Koizumi for a vehicle traffic or a complete intersection situation is completely different from the subject matter of the present invention. While Koizumi always displays the complete intersection situation on the display, in accordance with the present invention only the next turning point for driving is indicated.

It is believed to be clear that the patent to Koizumi discloses a method which deals with solution of a similar problem as in the applicant's invention. However, the solution proposed in the patent to Koizumi is completely different from the solution disclosed in the present patent application.

It is therefore believed that the method for controlling the scale of a map detail in accordance with the present invention as defined in claim 10 is completely different from the method disclosed in the patent to Koizumi and can not be derived from this reference as a matter of obviousness.

The Examiner rejected the claims over this reference as being anticipated. In connection with this, it is believed to be advisable to cite the

decision in *re Lindermann Maschinenfabrik GmbH v. American Hoist & Derrick Co.*, 221 USPQ 481, 485 (Fed. Cir. 1984) in which it was stated:

"Anticipation requires the presence in a single prior art reference disclosure of each and every element of the claimed invention, arranged as in the claim."

Definitely, the patent to Koizumi does not disclose all features of the method of the present invention arranged as in claim 10, and also with their specific interaction and interjunction.

The patent to Takanabe also does not teach the new features of the present invention. This reference proposes that always the route between the actual location of the vehicle and the destination provided by the user of the actual trip should be shown in the greatest possible dimensions. The input destination, however, is not comparable with the next decision point, as defined in the present invention. Takanabe corresponds essentially with the state of art described in the specification of the present application, but this reference does not disclose the new features of the present invention as defined in claim 10.

The Examiner rejected some claims as being obvious over the combination of the patents to Koizumi and Takanabe. None of the

references, as explained herein above, teaches the new features of the present invention as defined in claim 10. Therefore, the combination of the references would not lead to the applicant's invention. Instead, in order to arrive at the applicant's invention from the references, the references have to be fundamentally modified. However, it is known that in order to arrive at a claimed invention, by modifying the references the cited art must itself contain a suggestion for such a modification.

This principle has been consistently upheld by the U.S. Court of Customs and Patent Appeals which, for example, held in its decision in re Randol and Redford (165 USPQ 586) that

Prior patents are references only for what they clearly disclose or suggestion; it is not a proper use of a patent as a reference to modify its structure to one which prior art references do not suggest.

Definitely, the references do not provide any hint or suggestion for such modifications.


In view of the above presented remarks and amendments, it is believed that claim 10 should be considered as patentably distinguishing over the art and should be allowed.

As for the dependent claims, these claims depend on claim 1, they share its presumably allowable features, and therefore it should be allowed as well.

Reconsideration and allowance of the present application is most respectfully requested.

Should the Examiner require or consider it advisable that the specification, claims and/or drawings be further amended or corrected in formal respects in order to place this case in condition for final allowance, then it is respectfully requested that such amendments or corrections be carried out by Examiner's Amendment, and the case be passed to issue. Alternatively, should the Examiner feel that a personal discussion might be helpful in advancing this case to allowance, he is invited to telephone the undersigned (at 631-549-4700).

Respectfully submitted,



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